

### **REMARKS**

Claims 1-24 are pending in the application.

#### **Allowability of Claims 7, 8, 15, 16, 23 and 24**

The Applicants thank the Examiner for the indicating that claims 7, 8, 15, 16, 23 and 24 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However base claims, i.e., claims 1, 9 and 17, of claims 7, 8, 15, 16, 23 and 24 were rejected under 35 USC 112, first paragraph.

Claims 1, 9 and 17 are amended herein to overcome the 35 USC, first paragraph of claims 1-24. Claims 7, 15 and 23 are amended herein to be in independent form, including all of the limitations of the amended herein base claim and any intervening claims. The Applicants respectfully request an indication that claims 7, 15 and 23 are now allowed.

#### **35 USC 112 First Paragraph Rejection of Claims 1-24**

The Office Action AGAIN rejected claims 1-24 as allegedly failing to comply with the enablement requirement of 35 USC 112, first paragraph. In particular, the Office Action alleged that the specification allegedly fails to disclose "*how a calibration value is determined*" (See Office Action, page 2).

As Applicants previously pointed out, Applicants disclose at page 5, lines 18-23 that a processor analyzes such values as, e.g., a noise measurement value, propagation delay value, and a bit rate error value, and determines whether any of those values are outside of an acceptable range. If any of the values are outside of an optimized range, the processor instructs a test signal generator to create a new test signal. The new test signal incrementally changes the transmission properties of a transceiver to try and improve communication properties between a first transceiver and a second transceiver. One of ordinary skill in the art would be able to take the Applicants' disclosure and produce a calibration value based on a noise measurement value, propagation delay value,

and a bit rate error value. Thus, Applicants sufficiently disclose how the recited calibration value is determined from the recited test signal.

Nevertheless, claims 1-24 are amended herein to further prosecution of the subject application to remove the recited "calibration value" from the claims and recite language from Applicants' disclosure at, e.g., page 8, lines 23-26. The Applicants respectfully request that the rejection of claims 1-24 under 35 USC 112, first paragraph be withdrawn.

**Claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 over Schober**

In the Office Action, claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,493,320 to Schober et al. ("Schober"). The Applicants respectfully traverse the rejection.

Claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 recite a system and method of optimizing a transfer of data between a first node and a second node by adjusting a second node transceiver based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value.

The Examiner alleged that Schober discloses a calibration value being determined from at least one of available criteria comprising a noise measurement value, a propagation delay value, and a bit rate error value at col. 2, line 54 or lines 57-59 or lines 66-67.

Schober at col. 2, line 54 discloses "the transmission speed of a signal across the link". However, reading of Schober at col. 2, lines 43-45 puts col. 2, line 54 within context. Schober at col. 2, lines 43-45 discloses "the following parameters are among the parameters that may be adjusted in a link". Thus, "speed of a signal" is a parameter that is adjusted by Schober **NOT** a criteria that an adjustment is based on.

Schober at col. 2, lines 57-59 discloses ANOTHER parameters that is adjusted, i.e., discloses "the relative delay between individual data lines in the link, in order to reduce skew between parallel data bits that arrive on each end of

the link". Thus, relative delay is a parameter that is adjusted by Schober to compensate for skew. However, Applicants' claimed features **FAIL** to recite skew as a basis for optimizing data transfer. Skew, a term of art, equating to timing differences between two parallel data lines is **NOT** propagation delay, a term of art, between two nodes, as recited by claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22.

As Applicants previously pointed out, Schober at col. 2, lines 66-67 discloses what criteria is used to base any adjustments on, i.e., "stimuli measurement methods ... comparing the timing of the signal transitions with known reference timing signals". Thus, Schober discloses timing of signal transitions that are compared with known reference timing signals as a basis to determine appropriate parameter settings for a link. However, timing of signal transitions does **NOT** equate to any of a noise measurement value, a propagation delay value and a bit rate error value, as recited by claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22.

A benefit of a system and method of optimizing a transfer of data between a first node and a second node based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value is, e.g., reduced propagation delays with minimal bit error. Noise, propagation delay and bit error are very important factors in such high demand applications as real-time voice and video transmissions. The cited prior art fails to take into consideration noise, propagation delay and bit error that can have a noticeable impact on time critical applications.

Accordingly, for at least all the above reasons, claims 1, 3, 4, 6, 9, 11, 12, 14, 17, 19, 20 and 22 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 2, 5, 10, 13, 18 and 21 over Schober in view of KOSA**

In the Office Action, claims 2, 5, 10, 13, 18 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Schober in view of Knowledge of one of Ordinary Skill in the Art ("KOSA") at the time of the invention. The Applicants respectfully traverse the rejection.

Claims 2, 5, 10, 13, 18 and 21 are dependent on claims 1, 9 and 17 respectively, and are allowable for at least the same reasons as claims 1, 9 and 17.

Claims 2, 5, 10, 13, 18 and 21 recite a system and method of optimizing a transfer of data between a first node and a second node by adjusting a second node transceiver based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value.

The Office Action relies on KOSA to allege that a calibration memory was well known in the art at the time of the invention (See Office Action, page 5). Thus, even taking the Office Action's allegation that a calibration memory was well known in the art at the time of the invention (which the Examiner has failed to provide support for), Schober in view of KOSA would still fail to disclose or suggest a system and method of optimizing a transfer of data between a first node and a second node by adjusting a second node transceiver based on at least one of available criteria comprising a noise measurement value, a propagation delay value and a bit rate error value, as recited by claims 2, 5, 10, 13, 18 and 21.

Accordingly, for at least all the above reasons, claims 2, 5, 10, 13, 18 and 21 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William H. Bollman", written over a horizontal line.

William H. Bollman

Reg. No.: 36,457

Tel. (202) 261-1020

Fax. (202) 887-0336

**MANELLI DENISON & SELTER PLLC**

2000 M Street, NW 7<sup>TH</sup> Floor

Washington, DC 20036-3307

TEL. (202) 261-1020

FAX. (202) 887-0336

WHB/df